

REMARKS

Claims 1, 2, 4-11, and 13-20 are pending in this application. Of these, claims 1, 10, and 19 are independent. Claims 19 and 20 are new. Claims 3 and 12 have been cancelled. Favorable reconsideration and further examination are respectfully requested.

Initially, Applicants would like to thank the Examiner indicating that claims 3-9 would be allowable if rewritten in independent form to include all of the limitations of their base claim and any intervening claims. As such, Applicants have amended claim 1 to include the features of original claim 3. Applicants have also amended claim 10 to include the features of claim 12, which recite similar features as original claim 3. New claim 19 recites features that are similar to amended claim 1. Minor amendments have also been made to the claims.

Objections to the Specification

On page 2 of the Office Action, the Examiner objected to the specification because it referred to the same element in the figures with different names (i.e., the terms client device and data entry device both referred to the element 120 of Fig. 1). Applicants have amended the specification to so that element 120 is consistently referred to as a data entry device. Applicants submit that the amendments were made to provide consistency in the terminology and that no new matter has been added.

Claim Objections and Rejections under 35 U.S.C. §112

Claim 12 was objected to due to informalities and rejected under 35 U.S.C. 112, second paragraph for not clearly specifying the base claim upon which it depends. Claims 13-18 were also rejected under 35 U.S.C. 112, second paragraph due to their dependency on claim 12. Applicants have cancelled claim 12 and have incorporated its limitations into claim 10. Accordingly, Applicants respectfully request that the 112 rejections be withdrawn.

Claim Rejections under 35 U.S.C. § 101

The Examiner rejected claims 10-18 under 35 U.S.C. 101 as being directed to non-statutory subject matter because, according to the Examiner on page 3 of the Office Action, "the preamble of the claims recites intended use and the body of the claim is directed to a program per se" and that "[t]he language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technology art ...to form the basis of statutory subject[sic] matter under 35 U.S.C. 101."

Applicants submit that because the preamble of claims 10-18 requires the computer program product to be tangibly stored on a machine readable media, claims 10-18 recite statutory subject matter under 35 U.S.C. 101. Although the MPEP § 2106.01 recognizes that computer programs per se may not be statutory subject matter, it also states that claims to a computer program in which structural and functional interrelationships between the computer program and other claimed elements of a computer permit the computer program's functionality to be realized are statutory:

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. **In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.** See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions [emphasis added].

Accordingly, Applicants submit that the preamble of claim 10 provides sufficient structural and functional relationships between the computer program product and the rest of the computer (e.g., "a machine readable medium" upon which the computer program product is tangibly stored and "a processor" for carrying out functions specified by the computer program product) to permit the computer program's functionality to be realized, and is thus statutory. Applicants would like to point out that there are a number of issued patents that include computer program product claims having preambles that are similar in structure to the preamble of claim 10. Examples of such patents include US 7,133,867 (see claim 14) and US 7,133,878 (see claim 16). Accordingly, Applicants submit that the subject matter of claims 10-18 is statutory and respectfully request that the 101 rejections be withdrawn.

In view of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

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Enclosed is a two-month Petition for Extension of Time Fee. Please apply any other charges or credits to deposit account 06-1050 referencing Attorney Docket No. 13907-062001.

Respectfully submitted,

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